

Given the relationship between species 'A' (anti-CD 40 antibodies), and species 'B' (anti-CD40L antibodies), 'H' (CD40-Ig and soluble domain proteins thereof) and 'I' (CD40L-Ig and soluble domain proteins thereof), and their related role in blocking the interaction of CD40 and CD40 ligand to prevent secondary signaling, it is unlikely that examination directed to the claims reading on the elected species would necessitate a search in an area where art pertinent to the other species does not exist. The Examiner has not shown that the species would require a different field of search. Therefore, no serious burden is placed on the Examiner by the concurrent examination of the claims that read on the related species, 'A', 'B', 'H' and 'I' and, therefore, election should not be required between these species in this application.

CONCLUSION

In light of the fact that species 'A', 'B', 'H' and 'I' are all agents which block the interaction between CD40 and CD40L, and that searching directed to pertinent aspects of these agents would be the same for all species, it must be concluded that no serious burden would be placed on the Examiner by the concurrent examination of the claims of the application directed to these species. Therefore, Applicants traverse the requirement for election of species as it pertains to these species and respectfully request reconsideration and withdrawal of the requirement. Specifically, Applicants request that 'A', 'B', 'H' and 'I' be rejoined and concurrently examined in this application.

If the Examiner believes that a telephone conversation would expedite prosecution of the application, the Examiner is invited to call the undersigned at (781) 861-6240.

Respectfully submitted,
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